

The rejection of Claims 1 and 11 under 35 U.S.C. § 102(b) over Burkhardt et al (EP561639) is respectfully traversed.

The Examiner alleges "radical R2 in claim 1(p.45, line 30), wherein R6=thienyl or benzothiazolyl. Said compounds anticipate the instantly claimed compounds wherein R1 is aroyl substituted with thienyl or thiazolyl which may have one or more suitable substituents" (page 4 of the Official Action). Applicants respectfully disagree and point out that Burkhardt et al do not disclose or suggest the presently claimed compounds where R1 is aroyl substituted with thienyl or thiazoyl which may have one ore more suitable substituents. Absent such a description in Burkhardt et al, the instant claims are not anticipated by Burkhardt et al. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 1 and 11 under the doctrine of obvious-type double patenting over U.S. Patent No. 6,107,458 (the '458 patent) is respectfully traversed.

The Examiner asserts this ground of rejection because of alleged common subject matter where "A polypeptide of the general formula wherein R1 is benzoyul substituted with isoxazolyl which has phenyl having lower alkoxy" (page 5 of the Official Action). However, Applicants respectfully point out that such a substituent is not present in the instant claims (see Claim 16). Furthermore, since the '458 claims do not suggest the instant compounds, the present claims are not obvious in view of Claims 1-5 of the '458 patent. Withdrawal of this ground of rejection is respectfully requested.

Lastly, the Examiner objects to the specification as allegedly failing to contain an Abstract. Applicants submit that an Abstract is found on page 110 in the application as originally filed. A copy is attached for the Examiner's reference.

Applicants submit that the present application is now in a condition for allowance.

Early notification of such is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

Please amend the claims as follows:

Please cancel Claim 1.

--2. (Amended) A compound of claim [1] 16, wherein

R¹ is benzoyl substituted with piperazinyl which has cyclo(lower) alkyl having cyclo(lower)alkyl, benzoyl substituted with piperazinyl which has phenyl having (cyclo)lower alkyloxy, benzoyl substituted with piperazinyl which has phenyl having morpholinyl, or benzoyl substituted with piperzinyll which has phenyl having 3-hexyloxy.

3. (Amended) A compound of claim [1] 16, wherein

R¹ is benzoyl substituted with piperidyl which has hydroxy and phenyl having lower alkoxy, benzoyl substituted with piperidyl which has phenyl having lower alkoxy, or benzoyl substituted with piperidyl which has piperidyl having cyclo(lower) alkyl.

4. (Amended) A compound of claim [1] 16, wherein

R¹ is benzoyl substituted with 1,2,3,6-tetrahydropyridyl which has phenyl having lower alkoxy.

5. (Amended) A compound of claim [1] 16, wherein

R¹ is benzoyl substituted with phenyl which has phenyl having pentyloxy.

6. A compound of claim [1] 16, wherein

R¹ is benzoyl substituted with thiadiazoyl which has phenyl having methoxy, benzoyl substituted with thiadiazoyl which has phenyl having butoxy, benzoyl substituted with thiadiazoyl which has phenyl having pentyl,

benzoyl substituted with thiadiazoyl which has phenyl having hexyl,

benzoyl substituted with thiadiazoyl which has phenyl having higher alkoxy,

benzoyl substituted with thiadiazoyl which has phenyl having

phenoxy(lower)alkoxy,

benzoyl substituted with thiadiazoyl which has piperidyl having higher alkyl, and

benzoyl substituted with thiadiazoyl which has phenyl(lower) alkyl having lower alkoxy.

7. (Amended) A compound of claim [1] 16, wherein

R¹ is benzoyl substituted with thienyl which has phenyl having lower alkoxy, or

benzoyl substituted with furyl which has phenyl having lower alkoxy.

8. (Amended) A compound of claim [1] 16, wherein

R¹ is benzoyl substituted with piperazinyl(lower)alkyl which has phenyl having cyclo(lower)alkyl, or

benzoyl substituted with phenyl(lower)alkynyl which has lower alkoxy.

9. A compound of claim [1] 16, wherein

R¹ is thiazolyl-carbonyl substituted with phenyl which has phenyl having lower alkoxy.

Cancel Claim 10.

11. (Amended) A pharmaceutical composition which comprises, as an active ingredient, a compound of claim [1] 16 or a pharmaceutically acceptable salt thereof in admixture with pharmaceutically acceptable carriers or excipients.

Cancel Claim 12.

13. (Amended) A compound of claim [1] 16 or pharmaceutically acceptable salt thereof for use as a medicament.

~~Cancel Claims 14 and 15.~~

Claims 16 and 17 added.